

## **EXHIBIT “N”**



# Commonwealth Ports Authority

Francisco C. Ada/Saipan International Airport  
P.O. BOX 501055 • SAIPAN • MP • 96950  
Phone: (670) 237-6500/01 Fax: (670) 234-5962  
E-Mail Address: [cpa.admin@ptica.com](mailto:cpa.admin@ptica.com) Website: <https://cnmiports.com>



## **PUBLIC NOTICE**

### **Proposed Amendments to the Airport Rules and Regulations of the Commonwealth Ports Authority**

The Executive Director of the Commonwealth Ports Authority ("CPA") hereby notifies the public that the Commonwealth Ports Authority intends to promulgate amendments to its Airport Rules and Regulations.

**INTENDED ACTION TO ADOPT THESE PROPOSED AMENDMENTS TO THE AIRPORT RULES AND REGULATIONS OF THE COMMONWEALTH PORTS AUTHORITY:** Notice is hereby given pursuant to 1 CMC § 9104(a) of the Administrative Procedure Act that the Commonwealth Ports Authority intends to promulgate the following additional section to its Airport Rules and Regulations.

**TERMS, SUBSTANCE, AND DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:** These proposed regulations amend the Airport Rules and Regulations of the Commonwealth Ports Authority to establish a new rate methodology for air carriers operating at CPA airports. These proposed regulations, among other things, redefine and provide additional definitions of terms used throughout § 40-10.1; amend § 40-10.1-740 by providing general provisions regarding the use of CPA airports, the requirements to occupy and use airline assigned areas, and information regarding and governing CPA's "Letters of Authorization," airlines' privileges, uses, and rights, the accommodation of other airlines, and airport system security; adds § 40-10.1-742, which provides rules governing airlines' assigned areas; adds § 40-10.1-743, which provides regulations regarding the operation and maintenance responsibilities of CPA and the airlines; adds § 40-10.1-744, which governs the obligations of the airlines; amends § 40-10.1-745, which adds indemnification provisions and revises insurance requirements; adds § 40-10.1-746, which states the rights and privileges reserved by CPA; adds § 40-10.1-747, which provides the procedure to be followed when damage or destruction occurs to an Airlines' Assigned Area; adds § 40-10.1-748, which provides general conditions regarding the environment, including groundwater and solid and hazardous waste; amends § 40-10.1-750 Surety Bond; adds § 40-10.1-751, which governs Airlines' and CPA's property rights upon termination; adds § 40-10.1-752, which, among other things, requires compliance with CPA's Rules and Regulations and provides nondiscrimination requirements; amends § 40-10.1-1201 by providing terms regarding airline fees and charges; amends § 40-10.1-1205 Landing Fees; adds § 40-10.1-1206, which provides rental charges for use of CPA Terminals; removes §§ 40-10.1-1210, 1215, 1220, which provided terms regarding public apron and operational area charges, departure facility service charges, and international arrival facility service charges; removes § 40-10.1-1230(b)(2), which provided an exception to in-transit passenger service charge to airlines that executed CPA operating agreements; updates the amount and terms of the Fuel Flowage Fee, and Ground Handling Permit Fees, and the Passenger Facility Charges; adds § 40-10.1-1256, which provides terms regarding other CPA Fees and Charges; adds § 40-10.1-1257, which provides provisions regarding the

amendment of fees and charges; adds § 40-10.1-1258, which requires Airlines to submit reports to CPA; and amends § 40-10.1-1260 in regard to the payment of charges.

**AUTHORITY:** The substance of the following proposed amendments, which implements the new rate methodology for the use of CPA airports, has been previously approved by the CPA Board of Directors. The substance of these proposed amendments was included in the Airport System Operating Agreement, and on May 27, 2021, the CPA Board of Directors, through Resolution No. 2021-05, authorized the publication of these proposed amendments. Thus, these proposed amendments are for publication in the Commonwealth Register for Notice and Comment pursuant to the Administrative Procedure Act and for approval by the Attorney General pursuant to 1 CMC § 2153(e). The Commonwealth Ports Authority has the authority to promulgate these regulations pursuant to 2 CMC § 2122.

**DIRECTIONS FOR FILING AND PUBLICATION:** These Proposed Regulations shall be published in the Commonwealth Register in the section on Proposed and Newly Adopted Regulations, 1 CMC § 9102(a)(1), and posted in convenient places in the civic center and in local governments in each senatorial district, both in English and in the principal vernacular. 1 CMC § 9104(a)(1).

**TO PROVIDE COMMENTS:** Persons or entities wishing to submit comments must do so in writing to Mr. Christopher S. Tenorio, Executive Director, CPA, by means of one of the following: Email, fax, mail or hand-delivery to the CPA Administrative Office located on the Second Floor of the Francisco C. Ada/Saipan International Airport with the subject line "**Comments on Proposed Airport Rules and Regulations.**"

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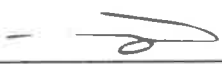
All written comments shall be submitted within 30 days after publication of this notice.

Submitted by:

  
CHRISTOPHER S. TENORIO  
Executive Director, CPA

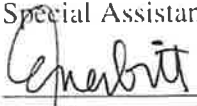
6/18/21  
Date

Received by:

  
MATILDA ROSARIO  
Special Assistant for Administration

06/21/21  
Date

Filed and Recorded by:

  
ESTHER S. NESBITT  
Commonwealth Registrar

06-25-2021  
Date



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## NUTISIAN PUPBLIKU

### **I Manmaproponi na Amenda para i Areklamentu yan Regulasion i Plâsa gi Commonwealth Ports Authority**

I Eksakatibu Direktot gi Commonwealth Ports Authority (“i CPA”) ha infotma guini i pupbliku na i intensiona i Commonwealth Ports Authority para u pupblika i amenda siha gi iyon Areklamentu yan Regulasion i Plâsa.

**I AKSION NI MA’INTENSIONA PARA U ADAPTA ESTI I MANMAPROPO NI NA AMENDA SIHA PARA I AREKLAMENTU YAN REGULASION I PLÂSA GI COMMONWEALTH PORTS AUTHORITY:** I nutisia guini munâ i sigun para l CMC § 9104(a) gi Âkton “Administrative Procedure” na i Commonwealth Ports Authority ha intensiona para u pupblika i tinattiyi na dinanña na seksiona para iyon Areklamentu yan Regulasion i Plâsa.

**I TEMA, SUSTÂNSIA, YAN I DISKRIPSION I SUHETU NI MASUMÂRIA YAN ASUNTU NI TINEKKA:** Esti i manmaproponi na regulasion siha inamenda i Areklamentu yan Regulasion i Plâsa gi Commonwealth Ports Authority para u establesi nuebu na “rate methodology” para i kinalamtin i “air carriers” gi plâsan CPA siha. Esti i manmaproponi na regulasion siha yan otu siha, ha ta’lun dumifina yan pribebeni definision nu usun i palâbra gi todû § 40-10.1; amenda § 40-10.1-740 ni prinibebebeni henerât na “provision” put i usun nu plâsan i CPA, i dinimânda siha para u ma’ukupa yan usa i “airline” ni ma’asikna na aria siha, yan imfotmasion put yan i gumubiebietnan i CPA na “Kâttan Auturisasion,” “airlines’ privileges,” inisa siha, yan diretchu, i “accommodation” nu otu “airlines,” yan sikuridât sisteman plâsan; suma § 40-10.1-742, ni ha pribebeni areklamentu ni gumubiebietna i ma’asikna ârian “airlines”; suma i § 40-10.1-743, ni ha pribebeni regulasion siha put i kinalamtin yan inadahn na responsibilidât nu CPA yan i “airlines”; suma § 40-10.1-744, ni ha gubietna i ubligasion i “airlines”; inamenda § 40-10.1-745, ni ha suma i “indemnification provisions” yan rinibisa i dinimândan insurance siha; suma § 40-10.1-746, ni ha sângan i diretchu yan pribilehu ni marisetba ni CPA; suma § 40-10.1-747, ni ha pribebeni i manera ni para u matâttiya an dâñu o sino distruktu sinisedi gi Asikna na Ârian “Airlines”; suma § 40-10.1-748, ni ha pribebeni henerât na kundision siha put i uriya, kintodu “groundwater” yan “solid” yan “hazardous waste”; inamenda § 40-10.1-750 “Surety Bond”; suma § 40-10.1-751, ni ha gubietna “Airlines” yan i diretchun propiedât i CPA gi titmina; suma § 40-10.1-752, ni, yan otu siha, dimânda parehu yan i Areklamentu yan Regulasion i CPA yan pribeni “nondiscrimination” na dinimânda siha; inamenda § 40-10.1-1201 ni para u pribebeni tema siha put i âpas “airline” yan i ginagaogão na âpas siha; inamenda § 40-10.1-1205 “Landing Fees”; suma § 40-10.1-1206, ni ha pribebeni ginagaogão na âpas atkilon para isan nu CPA “Terminals”; na’suha §§ 40-10.1-1210, 1215, 1220, ni ha pribebeni tema siha put i “apron” pupbliku yan “operational area” na ginagaogão na âpas siha; i ginagaogão na âpas siha para sitbisiun fasilidât hinanão, yan i ginagaogão âpas siha para sitbisiun fasilidât intetnasionât finattu; na’suha § 40-10.1-1230(b)(2), ni ha prinibeniyi kuenta para ginagaogão na âpas sitnisiun “in-transit” pasaheru para “airlines” ni ha “executed CPA operating” na kuntrâta siha; na’nuebu i tutât yan teman i Âpas

"Fuel Flowage", yan Ápas "Ground Handling Permit", yan i Ginagaogão na Ápas Fasilidát Pasaheru siha; suma § 40-10.1-1256, ni ha pribebeni tema put otu Ápas yan Ginagaogão na Ápas i CPA; suma § 40-10.1-1257, ni ha pribebeni "provisions" put i amendan nu ápas yan i ginagaogão na ápas siha; suma § 40-10.1-1258, ni ha dimãnda i "Airlines" para u na'hålum ripot para i CPA; yan inamenda § 40-10.1-1260 put para i ápasin i ginagaogão na ápas siha.

**ÁTURIDAT:** I "substance" nu i tinattitiyi na manmaproponi na amenda siha, ni umimplimenta i nuebu na "rate methodology" para i isan nu plâsan CPA, ginen maninaprueba gi ma'pus ni Kuetpun Direktot i CPA. I "substance" nu esti na manmaproponi na amenda siha ginen ma'ingklusu gi halum "Airport System Operating" na Kuntrâta, yan gi Mâyü 27,2021, i Kuetpun Direktot i CPA, ginen "Resolution No. 2021-05", ha aturisa i pupblikan nu esti i manmaproponi na amenda siha. Pues, esti i manmaproponi na amenda siha para pupblikasion gi halum Rehistran Commonwealth para i Nutisia yan Upiñon sigun para i Ákton Administrative Procedure yan para inaprueba ni i Henerât Abugâdu sigun para 1 CMC § 2153(e). I Commonwealth Ports Authority gai aturidât para u pupblika esti siha na regulasion sigun para 2 CMC § 2122.

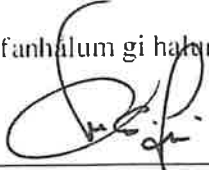
**DIREKSION PARA U MAPO'LU YAN PUPBLIKASION:** Esti i Manmaproponi na Regulasion siha debi na u mapupblika gi halum Rehistran Commonwealth gi halum seksiona ni Manmaproponi yan i Mannuebu na Manma'adâpta na Regulasion siha, 1 CMC § 9102(a)(1), ya u mapega hålum gi kumbinienti na lugât gi halum civic center yan gi halum ufisinan gubietnamentu gi kada distritun senadot, parehu Inglis yan i prinsipât na linguâhin natibu. 1 CMC § 9104(a)(1).

**PARA U MAPRIBENIYI UPIÑON SIHA:** I petsona siha pat atyu i malagu muna'halum upiñon siha debi di u macho'gui gi tinigi' para guatu as Siñot Christopher S. Tenorio, Eksakatibun Direktot, CPA, gi unu na tinattiyi na manera: Email, fax, mail o sino intrega hålum gi Ufisinan Atministradot i CPA ni gaigi gi Sigundu na Bibienda gi plâsan Francisco C. Ada/Saipan International yan i suhetu na rãya "I Upiñon siha gi Manmaproponi na Areklamentu yan Regulasion i Plâsa."

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Todu i tinigi' na upiñon siha debi na u fanhålum gi halum 30 dihas dispues di pupblikasion nu esti na nutisia.

Nina'hålum as:

  
CHRISTOPHER S. TENORIO  
Eksakatibun Direktot, CPA


6/18/21  
Fetcha

Rinisibi as:

  
MATILDA ROSARI  
Ispisiât na Ayudãnti para i Atministrasion

06/21/21  
Fetcha

Pine'lu yan ninota as:




ESTHER SN. NESBITT  
Rehistran Commonwealth

06-25-20 21

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Sigun i 1 CMC § 2153(e) yan i 1 CMC § 9104(a)(3) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma' aprueba kumu fotma yan sufisienti ligât ginin i Abugâdu Henerât CNMI yan debi na u mapupblika, 1 CMC § 2153(f).



EDWARD MANIBUSAN  
Abugâdu Henerât

6/21/2021

Fetcha



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## ARONGORONGOL TOULAP

### **Pommwol Liiwel ngáli Alléghúl me Mwóghutughutúl Plaasa me Commonwealth Ports Authority**

Executive Director-il Commonwealth Ports Authority (“CPA”) e aronga toulap bwe Commonwealth Ports Authority re mángemángil reel rebwe arongawow liiwel kka ngáli Alléghúl me Mwóghutughutúl Plaasa.

**MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁALI POMMWOL LIIWEL NGÁLI ALLÉGHÚL ME MWÓGHUTUGHUTÚL PLAASA ME COMMONWEALTH PORTS AUTHORITY:** Arongorong yeel e isiisiwow sáangi 1 CMC § 9104(a) reel Administrative Procedure Act iye Commonwealth Ports Authority re mángemángil rebwe aronga reel tánil ikka e amwirimwiritiw ngáli Alléghúl me Mwóghutughutúl Plaasa.

**KKAPASAL, AUTOL, ME WEEWEL IKKA E SCHUULONG IGHA:** Pommwol mwóghutughut kkal e liiweli Alléghúl me Mwóghutughutúl Commonwealth Ports Authority igha e itittiw ffél “rate methodology” ngáli alongal “air carriers” me plaasal CPA. Pommwol mwóghutughut kkal, llól akkááw kkosas, e fféerú sefááliy weewel me ayoora maas weewel reel kkapas ikka e lo reel alongal § 40-10.1; liiweli § 40-10.1-740 iye e ayoorai “general provisions” ikka e ssúl ngáli yááyál plaasal CPA, “requirements to occupy” me yááyál “airline assigned areas”, me arongorong ikka e ssúl ngáli lemelemil aar CPA “Letters of Authorization”, “airlines’ privileges”, yááyál, me weel, leliyál akkááw “airlines”, me “airport system security; aschuulong § 40-10.1-742, iye e ayoorai alléghúl “airlines’ assigned areas”; aschuulong § 40-10.1-743, iye e ayoorai mwóghutughut ikka e ssúl ngáli mwóghutughutúl me ammwelil CPA me aar “airlines”; aschuulong 40-10.1-744, iye e ayoorai lemelemil “airlines”; liiweli § 40-10.1-745, iye e schuulong “indemnification provision” me fféerú sefááliy “insurance requirements”; aschuulong § 40-10.1-746. Iye e apasa bwe weel me “privileges” sáangi CPA; aschuulong § 40-10.1-747, iye e ayoorai mwóghutughut iye rebwe attabweey ngáre eyoor “damage or destruction” ngáli “Airlines’ Assigned Area”; aschuulong § 40-10.1-748, iye e ayoorai “general conditions” ikka e ssúl ngáli leliyál, e bwal schuulong “groundwater” me “solid and hazardous waste”; liiweli § 40-10.1-750 “Surety Bond”; aschuulong § 40-10.1-751, iye e lemelemi aar Airlines me CPA weel reel falúw atol “termination”; aschuulong § 40-10.1-752, iye, llól akkááw kkosas, ebwe yoor abwungubwung fengál me Alléghúl me Mwóghutughutúl me e ayoora “nondiscrimination requirements”; liiweli § 40-10.1-1201 reel igha ebwe ayoora kkapasal “airline fees and charges”; liiweli § 40-10.1-1205 “Landing Fees”; aschuulong § 40-10.1-1206, iye e ayoorai “rental charges” ngáli yááyál CPA “Terminals”; siiweli §§ 40-10.1-1210, 1215, 1220, iye e ayoorai kkapasal “public apron” me “operational area charges”, “departure facility service charges”, me “international arrival facility service charges”; siiweli § 40-10.1-1230(b)(2), iye e ayoorai “exception” ngáli “in-transit passenger service charge” ngáli “airlines that executed CPA operating agreements”; rebwe aghatchú kkapasal “Fuel Flowage Fee”; me “Ground Handling Permit Fees”, me “Passenger

Facility Charges”; aschuulong § 40-10.1-1256, iye e ayoorai kkapasal “CPA Fees and Charges”; aschuulong § 40-10.1-1257, iye e ayoorai pay ngáli liiwelil óbwóssul me ghumwáár; aschuulong § 40-10.1-1258; iye e mwuschel bwe Airlines rebwe isiisilong repoot ngáli CPA; liiweli § 40-10.1-1260 iye e ssúl ngáli óbwóssul ghumwáár.

**BWÁNGIL:** Autol pommwol liiwel ikka e amwirimwiritiw, iye e ayoorai ffél mwóghutughutúl “rate methodology” ngáli yááyál plaasal CPA, iye ra átirowa sáangi CPA Board-il Directors. Ebwal schuulong llól autol pommwol liiwel llól Aiport System Operating Agreement, me wóól Ghúúw 27, 2021, CPA Board-il Directors, sáangi Resolution No. 2021-05, iye eyoor bwángil reel akkatééwowul pommwol liiwel kkal. Me, ebwe akkatééwow pommwol liiwel kkal me llól Commonwealth Register ngáli Arongorong me Kkapas sáangi Administrative Procedure Act me ebwe átirow sáangi Soulemelemil Allégh Lapalap sáangi 1 CMC § 2153(e). Eyoor bwángil Commonwealth Ports Authority reel rebwe arongawow mwóghutughut kkal sáangi 2 CMC § 2122.

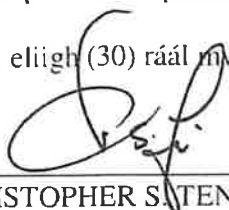
**AFAL REEL AMMWELIL ME AKKATÉÉWOWUL:** Ebwe akkatééwow Pommwol Mwóghutughut kkal me llól Commonwealth Register llól tánil Pommwol me Ffél Mwóghutughut ikka ra Adóptááli, 1 CMC 9102(a)(1), me ebwe appaschetá llól civic center me bwal llól bwulasiyol gobetnameento llól senatorial district, fengál reel English me mwaliyaasch. 1 CMC § 9104(a)(1).

**REEL ISIISILONGOL KKPAS:** Schóó kka ngáre aramas ikka re tipáli rebwe isiisilong kkapas rebwe isch ngáli Mr. Christopher S. Tenorio, Executive Director, CPA, inamwo Email, fax, mail ngáre bwughiló CPA Administrative Office iye e lo Second Floor me Francisco C. Ada/Saipan International Airport me ebwe lo wóól subject line bwe “**Comments on Proposed Airport Rules and Regulations.**”

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Ebwe toolong alongal ischil kkapas llól eliigh (30) ráál mwiril aal akkatééwow arongorong yeel.

Isáliyalong:

  
CHRISTOPHER S. TENORIO  
Executive Director, CPA

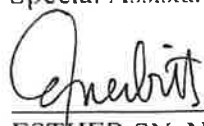
6/18/21  
Ráál

Bwughiyal:

  
MATILDA ROSARIO  
Special Assistant ngáli Administration

6/21/21  
Ráál

Ammwelil:

  
ESTHER S. NESBITT  
Commonwealth Registrar

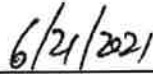
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Ráál



Sáangi 1 CMC § 2153(e) me 1 CMC § 9104(a)(3) pommwol mwóghutughut ikka e appasch ra takkal amwuri fischiiy me aa átirow bwe aa lléghló reel fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalapal CNMI me ebwe akkatééwow. 1 CMC § 2153(f).



EDWARD MANIBUSAN  
Soulemelemil Allégh Lapalap



Ráál

## **TITLE 40: COMMONWEALTH PORTS AUTHORITY**

### **SUBCHAPTER 40-10.1 AIRPORT RULES AND REGULATIONS**

#### **Part 001 General Provisions**

- § 40-10.1-001 Authority
- § 40-10.1-005 Purpose
- § 40-10.1-010 Definitions

#### **Part 100 General Operational Rules and Regulations**

- § 40-10.1-101 General Rules
- § 40-10.1-105 Compliance with Rules and Regulations
- § 40-10.1-110 Commercial Activity
- § 40-10.1-115 Sightseeing
- § 40-10.1-120 Parking and Storage of Aircraft
- § 40-10.1-125 Storage of Cargo, Etc.
- § 40-10.1-130 Use of Operational Areas
- § 40-10.1-135 Payment of Charges
- § 40-10.1-140 Commercial Photography

#### **Part 200 Operation of Vehicles**

- § 40-10.1-201 Required Licenses
- § 40-10.1-205 Obeying Signals and Orders
- § 40-10.1-210 Speed Limits
- § 40-10.1-215 Vehicles Within Operational Areas
- § 40-10.1-220 Responsibility in Cases of Accidents
- § 40-10.1-225 Right-of-way
- § 40-10.1-230 Parking
- § 40-10.1-235 Taxicab Operations and Permits
- § 40-10.1-240 Attire for Taxicab Operators and Related Matters
- § 40-10.1-245 Permit Required for Vehicle Rental Service
- § 40-10.1-250 Group Transportation Permits
- § 40-10.1-255 Implementing Rules

#### **Part 300 General Operation on Public Aircraft Area**

- § 40-10.1-301 Identification

- § 40-10.1-305 Enplaning or Deplaning Passengers
- § 40-10.1-310 Safety of Aircraft Operation
- § 40-10.1-315 Deviation from Rules

#### **Part 400 Taxiing Rules**

- § 40-10.1-401 Taxiing and Ground Rules

#### **Part 500 Traffic Pattern, Landing and Takeoff**

- § 40-10.1-501 Left-hand Traffic
- § 40-10.1-505 Ceiling Limitations
- § 40-10.1-510 General Traffic Rules
- § 40-10.1-515 Helicopter Operations Rules

#### **Part 600 Rules for Ground Operations**

- § 40-10.1-601 Engine Run-up Restrictions
- § 40-10.1-605 Aircraft Parking
- § 40-10.1-610 Area for Repairs
- § 40-10.1-615 Runway Area Restrictions
- § 40-10.1-620 Overparking of Aircraft on Apron
- § 40-10.1-625 Power-in, Push-out of Aircraft
- § 40-10.1-630 Running of Engines During Operations
- § 40-10.1-635 Flight Service Station

#### **Part 700 Conditions of Use of Airport**

- § 40-10.1-701 Public Apron and Aircraft Parking Area Use
- § 40-10.1-705 Departing Passenger Restrictions
- § 40-10.1-710 Arriving Passenger Restrictions
- § 40-10.1-715 Transit Passenger Restrictions

## TITLE 40: COMMONWEALTH PORTS AUTHORITY

§ 40-10.1-720 Restrictions on Purchase of Aviation Fuels  
§ 40-10.1-725 Cargo Operations  
§ 40-10.1-730 Ground Handling Services  
§ 40-10.1-735 Security Screening  
§ 40-10.1-740 Use Regulations for Airline ~~Use/Operating Agreement~~  
§ 40-10.1-742 Airline Assigned Areas  
§ 40-10.1-743 Operation & Maintenance  
§ 40-10.1-744 Obligation of Airline  
§ 40-10.1-745 Indemnification and Insurance  
§ 40-10.1-746 Rights and Privileges Reserved by Authority  
§ 40-10.1-747 Damage or Destruction of Assigned Area  
§ 40-10.1-748 Environment  
§ 40-10.1-750 Surety Bond  
§ 40-10.1-751 Property Rights Upon Termination  
§ 40-10.1-752 General Provisions  
§ 40-10.1-755 Notice of Airline Schedule Changes

### **Part 800 Conduct of the Public**

§ 40-10.1-801 Obstruction of Public Use  
§ 40-10.1-805 Restricted Areas  
§ 40-10.1-810 Entrance Into Public Areas  
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Subchapter Authority: 2 CMC § 2122(j).

Subchapter History: Amdts Adopted 42 Com. Reg. 44065 (Sept. 28, 2020); Amdts Proposed 42 Com. Reg. 43527 (May 28, 2020); Amdts Adopted 39 Com. Reg. 39592 (Apr. 28, 2017); Amdts Proposed 38 Com. Reg. 39040 (Dec. 28, 2016); Amdts Adopted 39 Com. Reg. 39216 (Feb. 28, 2017); Amdts Proposed 38 Com. Reg. 39062 (Dec. 28, 2016); Amdts Emergency 30 Com. Reg. 28519 (June 27, 2008) (effective for 120 days from June 3, 2008); Amdts Adopted 26 Com. Reg. 21710 (Jan. 22, 2004); Amdts Proposed 25 Com. Reg. 21465 (Nov. 17, 2003); Amdts Adopted 23 Com. Reg. 18385 (Sept. 24, 2001); Amdts Proposed 23 Com. Reg. 17826 (Apr. 23, 2001); Amdts Adopted 23 Com. Reg. 17842 (Apr. 23, 2001); Amdts Proposed 23 Com. Reg. 17614 (Jan. 19, 2001); Amdts Adopted 21 Com. Reg. 16855 (July 23, 1999); Amdts Proposed 21 Com. Reg. 16779 (May 19, 1999); Amdts Adopted 21 Com. Reg. 16803 (June 23, 1999); Amdts Proposed 21 Com. Reg. 16693 (Apr. 19, 1999); Amdts Proposed 20 Com. Reg. 16110 (Sept. 15, 1998);\* Amdts Adopted 19 Com. Reg. 15381 (May 15, 1997); Amdts Proposed 19 Com. Reg. 14878 (Jan. 15, 1997); Amdts Adopted 16 Com. Reg. 11809 (Mar. 15, 1994); Amdts Proposed 16 Com. Reg. 11681 (Feb. 15, 1994); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

\* A notice of adoption for the 1998 proposed amendments was never published.

Commission Comment: On May 12, 2008, Governor Benigno R. Fitial issued Executive Order No. 2008-3 (Reorganization Plan No. 1 of 2008). In Executive Order No. 2008-3, Governor Fitial allocated CPA to the Office of the Governor, 30 Com. R. 28757 (September 25, 2008). On May 13, 2008, Governor Fitial signed Executive Order No. 2008-4 and declared a state of emergency "due to the inability of [CPA] to avoid technical default on the March 1, 1998 indenture on the CPA Airport Revenue Bonds," 30 Com. Reg. 28760 (September 25, 2008). On May 13, 2008, Governor Fitial issued Executive Order No. 2008-5 (Reorganization Plan No. 2 of 2008). In Executive Order No. 2008-5, Governor Fitial superseded Executive Order No. 2008-03, 30 Com. Reg. 28762 (September 25, 2008). On June 12, 2008, Governor Fitial issued Executive Order No. 2008-6, which renewed the declaration of a state of disaster set forth in Executive Order No. 2008-4, 30

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Com. Reg. 28765 (September 25, 2008). On July 14, 2008, Governor Fitial issued Executive Order No. 2008-7, declared that a state of emergency still existed “[u]ntil a sufficient number of the appointments [on the board of directors of CPA] have been made and consented to by the Senate.” On August 13, 2008, Governor Fitial issued Executive Order No. 2008-11, which renewed the declaration of a state of disaster set forth in Executive Order No. 2008-7. 30 Com. Reg. 28779 (Sept. 2008). On September 3, 2008, Governor Fitial issued Executive Order No. 2008-12, which terminated the declaration of a state of disaster set forth in Executive Order No. 2008-7. 30 Com. Reg. 28782 (Sept. 2008).

PL 2-48, the “Commonwealth Ports Authority Act,” codified as amended at 2 CMC §§ 2101-2190, took effect October 8, 1981. It was based on the “Mariana Islands Airport Authority Act” enacted by the Congress of Micronesia as PL 6-58. See the commission comment to 2 CMC § 2101. PL 2-48 created the Commonwealth Ports Authority to implement its provisions and operate the ports of the Commonwealth. See 2 CMC §§ 2121-22. Transition provisions of PL 2-48 provided for the transfer of the Mariana Islands Airport Authority to the newly created Commonwealth Ports Authority. See 2 CMC §§ 2181, et seq.

Executive Order 94-3 (effective August 23, 1994), reprinted in the commission comment to 1 CMC § 2001, reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. Executive Order 94-3 § 304(a) allocated the Commonwealth Ports Authority to the Department of Public Works for purposes of administration and coordination. PL 11-109 (effective December 21, 1999) vacated section 304(a) in its entirety and reenacted and reinstated all provisions of 2 CMC, division 2, chapter 1, 2 CMC §§ 2101-2190, in effect immediately prior to the effective date of Executive Order 94-3. PL 11-109 §§ 2(b) and 4.

The Commonwealth Ports Authority Act contains special provisions related to rules and regulations. See 2 CMC §§ 2141-2146.

The precursor to the Commonwealth Ports Authority with regard to airport regulation in the Commonwealth was the Mariana Islands Airport Authority (MIAA). The MIAA published several amendments to earlier Trust Territory airport rules and regulations as follows:

Amdts Proposed 3 Com. Reg. 1233 (May 20, 1981) (amending earlier regulations); Amdts Proposed 1 Com. Reg. 375 (July 16, 1979);\* Adopted 1 Com. Reg. 53 (Nov. 16, 1978); Proposed 1 Com. Reg. 39 (Oct. 16, 1978) (amending earlier regulations promulgated by the Trust Territory of the Pacific Islands government).

\*A notice of adoption for the July 1979 proposed amendments was never published. The MIAA May 1981 proposed amendments were adopted by the Commonwealth Ports Authority in 1983.

After its creation in 1981, the Commonwealth Ports Authority continued to amend the existing regulations as follows:

Amdts Adopted 12 Com. Reg. 7199 (July 15, 1990); Amdts Proposed 12 Com. Reg. 6871 (Apr. 15, 1990); Amdts Adopted 10 Com. Reg. 5433 (Jan 18, 1988); Amdts Proposed 9 Com. Reg. 5279 (Nov. 15, 1987); Amdts Adopted 9 Com. Reg. 4923 (Apr. 15, 1987); Amdts Proposed 9 Com. Reg. 4911 (Feb. 17, 1987); Amdts Proposed 8 Com. Reg. 4834 (Dec. 16, 1986);\* Amdts Adopted 8 Com. Reg. 4392 (June 3, 1986); Amdts Proposed 8 Com. Reg. 4328 (Apr. 18, 1986); Amdts Adopted 7 Com. Reg. 4157 (Dec. 17, 1985); Amdts Proposed 7 Com. Reg. 4153 (Nov. 20, 1985); Adopted Amdts 6 Com. Reg. 2863 (June 15, 1984); Amdts Proposed 6 Com. Reg. 2742 (May 15, 1984); Amdts Adopted 6 Com. Reg. 2745 (May 15, 1984); Amdts Proposed 6 Com. Reg. 2707 (Apr. 15, 1984); Amdts Adopted 6 Com. Reg. 2710 (Apr. 15, 1984); Amdts Proposed 6 Com. Reg. 2566 (Feb. 15, 1984); Amdts Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Amdts Proposed 5 Com. Reg. 2165 (May 27, 1983); Amdts Proposed 4 Com. Reg. 1745 (Dec. 10, 1982); Amdts Proposed 3 Com. Reg. 1233 (May 20, 1981) (proposed by the MIAA); Amdts Adopted 4 Com. Reg. 1753 (Dec. 10, 1982); Proposed Amdts 4 Com. Reg. 1453 (May 24, 1982).

\*A notice of adoption for the December 1986 proposed amendments was never published.

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The Commonwealth Ports Authority published a complete revision of the Airport Rules and Regulations in 1992. The history sections in this subchapter date from that publication and adoption.

On May 12, 2008, Governor Benigno R. Fitial issued Executive Order No. 2008-3 (Reorganization Plan No. 1 of 2008). In Executive Order No. 2008-3, Governor Fitial allocated CPA to the Office of the Governor. 30 Com. R. 28757 (September 25, 2008). On May 13, 2008, Governor Fitial signed Executive Order No. 2008-4 and declared a state of emergency "due to the inability of [CPA] to avoid technical default on the March 1, 1998 indenture on the CPA Airport Revenue Bonds." 30 Com. Reg. 28760 (September 25, 2008). On May 13, 2008, Governor Fitial issued Executive Order No. 2008-5 (Reorganization Plan No. 2 of 2008). In Executive Order No. 2008-5, Governor Fitial superseded Executive Order No. 2008-03. 30 Com. Reg. 28762 (September 25, 2008). On June 12, 2008, Governor Fitial issued Executive Order No. 2008-6, which renewed the declaration of a state of disaster set forth in Executive Order No. 2008-4. 30 Com. Reg. 28765 (September 25, 2008). On July 14, 2008, Governor Fitial issued Executive Order No. 2008-7, declared that a state of emergency still existed "[u]ntil a sufficient number of the appointments [on the board of directors of CPA] have been made and consented to by the Senate." On August 13, 2008, Governor Fitial issued Executive Order No. 2008-11, which renewed the declaration of a state of disaster set forth in Executive Order No. 2008-7. 30 Com. Reg. 28779 (Sept. 2008). On September 3, 2008, Governor Fitial issued Executive Order No. 2008-12, which terminated the declaration of a state of disaster set forth in Executive Order No. 2008-7. 30 Com. Reg. 28782 (Sept. 2008).

### Part 001 - General Provisions

#### § 40-10.1-001 Authority

The rules and regulations in this subchapter are promulgated by the Commonwealth Ports Authority in accordance with 2 CMC § 2122(j) and shall have the force and effect of law.

Modified. 1 CMC § 3806(d), (f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

#### § 40-10.1-005 Purpose

The purpose of this subchapter is to provide for and to insure the orderly, safe, and sanitary operation of airports in the Commonwealth of the Northern Mariana Islands under the jurisdiction and control of the Commonwealth Ports Authority. The effective date of the 2021 amendments to Subchapter 40-10.1, Part 001, Part 700, and Part 1200 shall be October 1, 2021.

Modified. 1 CMC § 3806(d).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

#### § 40-10.1-010 Definitions

The following terms, as used in this subchapter, shall have the following meanings:

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~~(a)~~ ~~(a)~~ — “Affiliated Airline Company” shall mean any Air Transportation Company that is regarded or appears to operate as a related entity and is now or hereafter (1) a subsidiary of Airline, (2) owned in whole or in part by Airline or its parent company, (3) owns Airline in part, or (4) so affiliated with Airline or its parent company by virtue of a code sharing agreement and in any case shall have been designated in writing by Airline as an Affiliated Airline Company. Airline shall be responsible for and unconditionally guarantees the payment of rentals, fees, and charges, including Passenger Facility Charges by its Affiliated Airline Company. An Affiliated Airline Company hosted by Airline will pay rates, fees, and charges at the rate charged to Airline.

(b) — “Air Transportation Business” shall mean that business operated by an Airline for the commercial transportation by air of persons, property, mail, parcels, and cargo at one or more of the Airports.

(c) — “Air Transportation Company” shall mean a legal entity engaged in the business of scheduled or non-scheduled commercial transportation by air of person, property, mail, parcels, and cargo and authorized by the Authority to conduct such business at one or more of the Airports.

(d) — “Aircraft” shall mean and include any and all contrivances, now or hereafter used for the navigation of or flight in air or space, including, but not limited to, airplanes, airships, dirigibles, helicopters, gliders, amphibians, and seaplanes.

~~(f)~~ ~~(b)~~ — “Authority Airfield” shall mean the Commonwealth — Ports Authority Landing Area and the Ramp Area of an =

(c) ~~(e)~~ — “Airport,”

(f) — “Airfield Cost and Revenue Center” shall include all Capital Charges, all direct and indirect Operation and Maintenance Expenses, and Revenues for an Airport Airfield as may be revised from time to time.

(g) — “Airline” shall mean ~~all publicly owned airports~~ an Air Transportation Company, including any Affiliates of Airline, engaged in the Commonwealth of the Northern Mariana Islands, together with all related facilities. On Saipan this includes Saipan International Airport, formerly known as “Isley Field.” On Tinian it ~~business of scheduled or non-scheduled commercial transportation by air of persons, property, cargo, or mail.~~

(h) — “Airline Assigned Area or Assigned Area” shall mean ~~West Tinian International Airport. On Rota it~~ those areas in a Terminal the Authority has licensed for use by an Airline as Preferential Use Premises or Common Use Premises, or licensed for use by Airlines on a per use basis.

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(i) "Airline Supported Areas" shall mean the ~~Rest~~ direct and indirect Operation and Maintenance Expenses and Capital Charges charged to the Airfield Cost and Revenue Center and the Terminal Cost and Revenue Center.

(j) "Airport" shall mean an Authority owned Airport within the Airport System, including Francisco C Ada/Saipan International Airport, Benjamin Taisacan Manglona International Airport, Tinian International Airport-~~On~~, Pagan it shall mean the Pagan Airport Airport together with all appurtenances thereto, structures, buildings, fixtures, and all tangible personal property now or hereafter owned, leased, or operated by the Authority.

(k) (d) — "Airport Rules and Regulations" shall mean the rules and regulations as set forth in Northern Mariana Islands Administrative Code (NMIAC) Subchapter 40-10.1 and subsequent amendments thereto.

(l) "Airport System" shall mean all Airports owned and operated by the Authority and which includes Francisco C Ada/Saipan International Airport, Benjamin Taisacan Manglona International Airport, and Tinian International Airport, together with all appurtenances thereto, structures, buildings, fixtures, and all tangible personal property now or hereafter owned, leased, or operated by the Authority.

(m) "Authority" shall mean the Commonwealth Ports Authority, a public corporation created, organized and existing under Title 2, Section 2101 et seq., Commonwealth Code, Commonwealth of the Northern Mariana Islands.

(n) "Bond Resolution" shall mean Resolution No. 02-98, dated March 4, 1998, as supplemented and amended from time to time authorizing the issuance by the Authority of Bonds or other financing obligations with respect to the Airport System or any successor resolution, indenture, or trust agreement.

(o) "Bonds" shall mean any bonds or other financing instrument or obligation of the Authority, other than Subordinated Bonds, issued for the purposes of improving the Airport System, all pursuant to the Bond Resolution.

(p) "Capital Charges" shall mean with respect to any Fiscal Year, the sum of Debt Service (exclusive of capitalized interest) and Other Debt Service payable by Authority in that Fiscal Year; plus Debt Service Coverage.

(q) "Common Use Formula" shall mean that formula which prorates one hundred percent (100%) of the cost of a service or space within a Terminal based on the ratio of each Scheduled Air Carrier's Enplaned Passengers using the service or space at an Airport during the month, to the total of all Enplaned Passengers using the service or space at an Airport during the month. Notwithstanding the foregoing, Authority shall, after completion of any promotional offering, adjust the computation to reflect enplanements of additional Scheduled Air Carriers at an Airport or after the deletion of a Scheduled Air Carrier at an Airport.



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(r) "Common Use Premises" shall mean space managed by Authority that may be made available to Airline from time to time for use in common with other airlines, as assigned by the Executive Director, subject to the Airport Rules and Regulations.

(s) "Cost and Revenue Centers" shall mean those areas of functional activities of an Airport used for the purposes of accounting for Revenues, Operation and Maintenance Expenses, and Capital Charges.

(t) "Cost Centers" shall mean those areas or functional activities of an Airport used for the purposes of accounting for Operation and Maintenance Expenses and Capital Charges.

(u) "Debt Service" shall mean with respect to any series of Bonds, the total, as of any particular date of computation and for any particular period or year, of the aggregate amount required pursuant to the Bond Resolution to be deposited during such period or year in the Bond Fund.

(v) "Debt Service Coverage" shall mean one hundred and twenty-five percent (125%) of the debt service payable in each Fiscal Year as stated in Section 6.11 of the Bond Indenture (adjusted as may be permitted under the Bond Indenture).

(w) "Deplaned Passenger" shall mean any passenger disembarking an aircraft at a Terminal, including any such passenger that shall subsequently board another aircraft of the same or a different Air Transportation Company or the same aircraft, previously operating under a different flight number.

(x) "Enplaned Passenger" shall mean any passenger boarding an aircraft at a Terminal, including any such passenger that previously disembarked from another aircraft of the same or a different Air Transportation Company or from the same aircraft, previously operating under a different flight number.

(y) "Executive Director" shall mean the Executive Director of the Authority or his duly authorized representative.

(z) ~~(e)~~ "Extraordinary Coverage Protection" shall mean the requirements set forth in Section § 40-10.1-1201.

(aa) "FAA" shall mean the Federal Aviation Administration, or its authorized successors.

(bb) "Federal Aviation Regulations" shall mean the United States Federal Aviation Regulations, as currently amended, and promulgated by the United States Federal Aviation Administration.

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(cc) (f) — “Fiscal Year” shall mean the annual accounting period of the Authority for its general accounting purposes which is the period of twelve consecutive months, ending with the last day of September of any year.

(dd) — “Fuel handling” shall mean the transportation, delivery, fueling, and draining of fuel or fuel waste products.

(cc) (g) — “Fuel storage area” shall mean and include any portions of the airport designated temporarily or permanently by the Authority as areas in which gasoline or any other type of fuel may be stored, including but not limited to, gasoline tank farms and bulkheads, piers, or wharves at which fuel is loaded.

(ff) (h) — “General Aviation” shall mean all phases of aviation other than military aviation and scheduled or non-scheduled commercial air carrier operations.

(gg) — “General Aviation Operator” shall mean a Person conducting civil aviation operations other than scheduled or non-scheduled Air Transportation Companies.

(hh) — “Hazardous Material” shall mean: (1) any oil petroleum products, flammable substances, explosives, radioactive materials, hazardous wastes or substances, toxic wastes or substances or any other wastes, materials or pollutants which pose a hazard to the Airport System premises or to the safety and/or health of persons on or about the Airport System and/or cause an Airline Assigned Area to be in violation of federal, Commonwealth, or local laws governing or regulating hazardous materials; (2) asbestos in any form, urea formaldehyde foam insulation, transformers or other equipment which contains dielectric fluid containing regulated levels of polychlorinated biphenyls, or radon gas; (3) any chemical, material or substance defined as or included in the definition of “hazardous substances”, “hazardous waste”, “hazardous material”, “extremely hazardous waste”, “restricted hazardous waste”, “toxic substance” or similar words under any applicable local, Commonwealth, or federal laws, or any regulations promulgated pursuant thereto, including, but not limited to: the Comprehensive Environmental Response, Compensation Act of 1980 (CERCLA), as amended, 42 U.S.C. §§ 9601 et seq; the Hazardous Materials Transportation Act, as amended, 49 U.S.C. §§ 5101, et. seq.; the Federal Water Pollution Control Act (CWA), 33 U.S.C. §§ 1251 et. seq.; the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §§ 6901 et. seq.; the Toxic Substances Control Act (TSCA), as amended, 15 U.S.C. §§ 2601 et. seq; or defined by the US DOT Pipeline and Hazardous Materials safety admin in 49 Code of Federal Regulations (CFR) 172.101. Also applicable are the Commonwealth of the Northern Mariana Islands (CNMI) BECQ Harmful Substance & Hazardous Waste Regulations; Pesticide and Used Oil Regulations; Storage Tanks: Aboveground & Underground Regulations and Solid Waste Management Regulations; (4) any other chemical, material or substance, exposure to which is prohibited, limited or regulated by government authority, and which may pose a hazard to the health and safety of occupants of the Airport System, and or to any person entering upon the Airport System or adjacent property; and/or (5) any other chemical, material or substance which may pose a hazard to the environment or persons.

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(ii) "Indenture" shall mean that certain bond indenture dated March 1, 1998 authorizing the issuance of \$20,050,000.00 Senior Series A, Airport System Revenue Bonds, authorized by the Bond Resolution, and successor indentures.

(jj) "Landing Area" shall mean those portions of an Airport provided for the landing, taking off, and taxiing of aircraft, including without limitation, approach and turning zones, aviation or other easements, runways, taxiways, runway and taxiway lights, and other appurtenances in connection therewith.

(kk) "Landing Fee" shall mean a fee expressed in tenths of a cent per thousand pounds of the Maximum Gross Landed Weight of each type of Airline's aircraft and shall be multiplied by the total of all Maximum Gross Landed Weight for all Revenue Landings of each type of aircraft landed at the Airport System by Airline.

(ll) "Letter of Authorization" shall mean a letter issued by the Authority which constitutes a permit by the Authority authorizing an Air Transportation Company with the requisite federal regulatory approvals to conduct Air Transportation Business at an Airport or Airports and to use and occupy certain premises at an Airport or Airports in compliance with the terms of the Airport Rules and Regulations.

(mm) "Maintenance and Operation Expenses" shall mean "Maintenance and Operation Expenses" as defined in the Indenture including the current expenses, paid or accrued, of operation, maintenance, and ordinary current repairs of an Airport and shall include, without limiting the generality of the foregoing, insurance premiums, administrative expenses of the Authority relating solely to said Airport, including engineering, architectural, legal, consultants, and accounting fees and expenses as shall be in accordance with sound accounting practice. "Maintenance and Operation Expenses" shall not include any allowance for depreciation or renewals or replacements or obsolescence of capital assets of the Authority, or any operation and maintenance expenses of Special Purpose facilities buildings where the lessees thereof are obligated to pay such operation and maintenance expenses.

(nn) "Maximum Gross Landed Weight" shall mean the maximum gross certificated landing weight in one-thousand-pound units for which each aircraft operated at an Airport by Airline as certificated by the FAA or its successor.

(oo) "Net Requirement" shall mean, with respect to a Terminal, the direct and indirect Maintenance and Operation Expenses for said Terminal and reserves required by the Indenture, plus its proportional share of Capital Charges, less reimbursements; with respect to an Airfield, the direct and indirect Maintenance and Operation Expenses for the Airfield and reserves therefore, plus the proportional share of Capital Charges.

(pp) "Operational Area" shall mean any place on the airport an Airport not leased or demised to anyone a Person for exclusive use, and not a public area, highway, or public vehicular area; but shall, Operational Areas include the runways, public taxiways, public ramp and apron areas, public Ramp Areas, Public cargo ramp and apron areas, public

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aircraft parking and storage areas, and ~~fuel~~ Terminal Aircraft Aprons, and Fuel storage areas.

~~(i) —“Operational agreement” shall mean an airline use agreement entered into by the Authority and an aircraft operator.~~

~~(qq) (j) —“Operator” shall mean the owner of an aircraft or any person who is using an aircraft for the purpose of operation by himself or his agents.~~

~~(rr) (k) —“Other Debt Service” shall mean any principal, interest, premium, and other fees and amounts, either paid or accrued, on Other Indebtedness of Authority.~~

~~(ss) —“Other Indebtedness” shall mean any debt incurred by Authority for Airport System purposes that is outstanding and not authenticated and delivered under and pursuant to the Indenture.~~

~~(tt) —“Passenger Facility Charge” or “PFC” shall mean the fees authorized by 49 U.S.C. 40117 and regulated by 14 CFR Part 158 as such statute and regulations currently exist or as they may be amended.~~

~~(uu) —“Per Use Fee” shall mean a charge assessed by the Authority for each use of an unassigned aircraft gate facility and / or an unassigned ticket counter for a period not to exceed two (2) hours. The gate facility includes holdroom, loading bridge, pre-conditioned air, and 400 Hertz (Hz) power systems. A ticket counter shall include one 2-position ticket counter. Per Use Fees shall not apply to the use of gate facilities or ticket counters that are included in an Air Transportation Company’s Preferential Use Premises pursuant to a Letter of Authorization issued by the Authority. The location of an aircraft gate facility and / or ticket counter will be assigned by the Executive Director and will be contingent upon the size of the aircraft operating at the Airport.~~

~~(vv) —“Permission” or “permit” shall mean permission granted by the Executive Director unless otherwise herein specifically provided. “Permission” or “permit” whenever required by this chapter shall always mean written permission, except that verbal permission in specific instances may be granted under special circumstances where the obtaining of written permission would not be practicable.~~

~~(ww) (l) —“Person” shall mean any individual, firm, partnership, co-partnership, corporation, trust association, or company (including any assignee, receiver, trustee, or similar representatives thereof) or the United States of America, any state or political subdivision thereof, any foreign government, or the United Nations.~~

~~(m) —“Airport Rules and Regulations” shall mean the rules and regulations in this subchapter and subsequent amendments thereto.~~

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(xx) (n) — “Preferential Use Premises” shall mean those portions of a Terminal and Terminal Aircraft Apron to which an Airline has priority over all other users, subject to the provisions of the Airport Rules and Regulations.

(yy) — “Public aircraft parking and storage area” shall mean that area of the airportan Airport to be used for public aircraft parking and storage space for the parking and storing of aircraft, or for the servicing of aircraft with fuel, lubricants, and other supplies, or for making emergency repairs to aircraft, or for any or all such purposes.

(zz) (o) — “Public cargo ramp and apron area” shall mean and include any portions of the airportan Airport designated and made available temporarily or permanently by the Authority for the loading or unloading of passengers, cargo, freight, mail, and supplies, to and from aircraft, and for performing those operations commonly known as “ramp service,” and for performing inspections, minor maintenance, and other services upon or in connection with aircraft incidental to performing “ramp service,” but shall not mean those areas designated for the storage of cargo, freight, mail, and supplies, nor those areas designated for the purpose of performing fueling and other ramp services, or those areas designated for the purpose of parking operations.

(aaa) (p) — “Public Space” shall mean all utility rooms, duct-ways, janitorial rooms and closets, stairways, hallways, elevators, escalators, entranceways, public or common use lobbies and areas, public toilet areas and other areas used for the operation, maintenance, or security of a Terminal, even if used solely by Authority.

(bbb) — “Public taxiway” shall mean and include any public taxiways designated for the purpose of the ground movement of aircraft on the airportan Airport.

(ccc) (q) — “Public vehicular parking area” shall mean and include any portion of the airportan Airport designated and made available, temporarily, or permanently, by the Authority for the parking of vehicles.

(ddd) (r) — “Ramp Area” shall mean the aircraft parking and maneuvering areas adjacent to a Terminal, and shall include within its boundaries all Terminal Aircraft Aprons.

(eee) — “Revenue Landing” shall mean any aircraft landing by Airline at an Airport for which Airline receives revenue.

(fff) — “Revenues” shall mean Revenues as defined in the Indenture including income accrued by the Authority in accordance with generally accepted accounting principles, including investment earnings, from or in connection with the ownership or operation of the Airport System or any part thereof, or the leasing or use thereof, but do not include PFC’s except as authorized for the payment of Debt Service and Debt Service Coverage.

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(ggg) "Rota Terminal" shall mean the Benjamin Taisacan Manglona International Airport terminal building, associated curbside entrance areas, adjoining landscaped areas, and aircraft aprons at the Benjamin Taisacan Manglona International Airport terminal building.

(hhh) "Runway area" shall mean and include any portion of the paved runway as well as the clear zones and field area to the lateral clearance lines of said runway.

(iii) (s) "Saipan Commuter Terminal" shall mean the Francisco C. Ada/Saipan International Airport terminal building for passengers flying within CNMI, associated curbside entrance areas, adjoining landscaped areas and aircraft aprons at the Francisco C. Ada/Saipan International Airport terminal building for passengers flying within CNMI as well as to and from Guam.

(jii) "Saipan Main Terminal" shall mean the Francisco C. Ada/Saipan International Airport international passenger terminal building, associated curbside entrance areas, and aircraft aprons at the Francisco C. Ada/Saipan International Airport terminal building.

(kkk) "Scheduled Air Carrier" shall mean any Air Transportation Company performing or desiring to perform, pursuant to published schedules, seasonal or non-seasonal commercial air transportation services over specified routes to and from an Airport or Airports and holding the necessary authority from the appropriate federal or Commonwealth agencies to provide such transportation.

(lll) "Sightseeing flights" shall mean flights on which passengers are carried for hire, and which originate and terminate at the airport with no intermediate stops other than emergency stops.

(mmm)(t) "Shall" means mandatory and not merely directory.

(nnn) "Subordinated Bond Indenture" shall mean an indenture or trust agreement subordinated to the Indenture authorizing the issuance by Authority of Subordinated Bonds, as such may be supplemented or amended from time to time.

(ooo) "Subordinated Bonds" shall mean any bonds or other financing instrument or obligation subordinate to the Bonds, issued pursuant to any Subordinated Bond Indenture.

(ppp) "Terminal Aircraft Aprons" shall mean those areas of an Airport that are designated for the parking of passenger aircraft and support vehicles, and the loading and unloading of passenger aircraft.

(qqq) "Terminal" shall mean the Francisco C. Ada/Saipan International Airport Commuter Terminal Building and Temporary Commuter area, Francisco C. Ada/Saipan International Airport Main Terminal Building, Benjamin Taisacan Manglona International Airport Terminal Building or Tinian Terminal Building and appending structures, law enforcement and security activities, paging systems, multi-user flight information display systems, and terminal roadway systems including entrance/exit/recirculating roadways.

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terminal curb front, and taxi/bus/ staging areas, but excluding roadways exclusively serving the public parking areas.

(rrr) "Terminal Cost and Revenue Center" shall include all Capital Charges, all direct, indirect, and general administrative Operation and Maintenance Expenses, and Revenues for a Terminal.

(sss) "Terminal Rental Rate" shall mean the fees and charges imposed by the Authority on a per square foot basis for the use of a Terminal.

(ttt) "Tinian Terminal" shall mean the Tinian International Airport terminal building, associated curbside entrance areas, adjoining landscaped areas, and aircraft aprons at the Tinian International Airport.

(uuu) "Transportation Security Administration" or "TSA" shall mean the Office of Homeland Security and Transportation Security Administration, or their authorized successors.

(vvv) "Vehicles" shall mean and include automobiles, trucks, buses, motorcycles, horse-drawn vehicles, bicycles, push carts, and any other device in or upon or by which any person or property is or may be transported, carried, or drawn upon land, aircraft excluded.

(www) (t) —The words "ingress" and "egress" shall refer to the use of an area, or portion of the ~~airport~~ Tinian Airport, as a means of going from one place to another without undue delay.

(v) —"Commercial Aircraft Operator" shall mean an operator conducting civil aviation operations involving scheduled or non-scheduled air transportation operations of persons or property from one place to another for remuneration or hire.

(w) —"General Aviation Operator" shall mean an operator conducting civil aviation operations other than scheduled or non-scheduled air transportation operations of persons or property from one place to another for remuneration or hire.

Modified. 1 CMC § 3806(d), (f), (g).

History: Amdts Adopted 39 Com. Reg. 39216 (Feb. 28, 2017); Amdts Proposed 38 Com. Reg. 39062 (Dec. 28, 2016); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: In subsections (c) and (o), the Commission moved a period and a comma, respectively, inside of the closing quotation marks to correct manifest errors. The Commission inserted a close quotation mark after the word "permission" in subsection (k) pursuant to 1 CMC § 3806(g). In subsection (u), the Commission inserted an opening quotation mark before "egress."

### **Part 100 - General Operational Rules and Regulations**

#### **§ 40-10.1-101 General Rules**

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(a) ~~(a)~~—All aeronautical activities at the ~~airport~~ Airport, and all flying of aircraft departing from or arriving at the ~~airport~~ Airport, shall be conducted in conformity with applicable provisions of the regulations of the Federal Aviation Administration, the United States Department of Transportation, or any successor agencies.

(b) ~~(b)~~—The owner, operator, pilot, agent, or their duly authorized representatives agree, as a condition of use of the ~~airport~~ Airport, to release and discharge the Authority, its officers, and its employees of and from any liability for any damage which may be suffered by any aircraft and its equipment, and for any personal injury or death, except where such damage, injury, or death is due solely to the negligence of the Authority.

(c) ~~(c)~~—All persons using any part of the ~~airport~~ Airport shall be held liable for any property damage caused by carelessness and negligence on or over the ~~airport~~ Airport, and any aircraft being operated so as to cause such property damage may be retained in the custody of the Authority and the Authority may have a lien on said aircraft until all charges for damages are paid. Any persons liable for such damage agree to indemnify fully and to save and hold harmless the Authority, its directors, its officers, and its employees from claims, liabilities, and causes of action of every kind, character, and nature and from all costs and fees (including attorney's fees) connected therewith, and from the expenses of the investigation thereof.

(d) ~~(d)~~—The pilot or operator of any aircraft involved in an accident—causing personal injury or property damage shall, in addition to all other reports required to be made to other agencies, make a complete report concerning said accident to the office of the Executive Director within 24 hours of the accident. When a written report of an accident is required by the Federal Aviation Regulations, a copy of such report may be submitted to the Executive Director in lieu of the report required above.

(e) ~~(e)~~—Subject to compliance with appropriate Federal Aviation Regulations, the aircraft owner shall be responsible for the prompt removal of all disabled aircraft and/or parts of such aircraft at the ~~airport~~ Airport, as reasonably directed by the Executive Director. In the event of the owner's failure or refusal to comply with such directions, such disabled aircraft or any and all parts thereof may be removed by the Authority at the owner's expense and without liability for damage which may be incurred as a result of such removal.

(f) ~~(f)~~—The Executive Director shall have the right at any time to close the ~~airport~~ Airport in its entirety or any portion thereof to air traffic, to delay or restrict any flight or other aircraft, and to deny the use of the ~~airport~~ Airport or any portion thereof to any specified class of aircraft or to any individual or group when the Executive Director considers any such action to be necessary and desirable to avoid endangering persons or property and to be consistent with the safe and proper operation of the ~~airport~~ Airport. In the event the Executive Director believes the condition of the ~~airport~~ Airport to be unsafe for landings or takeoffs, it shall be within his authority to issue, or cause to be issued, a NOTAM (notice to aircraft) closing the ~~airport~~ Airport or any portion thereof.



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(g) ~~(g)~~—All aircraft landing or taking off at ~~the airport~~ Airport shall have a properly functioning two-way radio capable of communicating with the airport communication system.

(h) ~~(h)~~—The Executive Director may require from time to time and may designate, at his or her discretion, appropriate locations for the registration of pilots and aircraft using ~~the airport~~ Airport, and such pilots shall comply with the requirements of such registration. The payment of rentals, fees, and charges relating to the use of ~~airport~~ Airport premises and facilities shall be made before takeoff. In lieu of such payment, satisfactory credit arrangements shall be made by the operator of aircraft with the office of the Authority or such office as may be otherwise designated by the Executive Director before the aircraft leaves the ~~airport~~ Airport.

Modified. 1 CMC § 3806(f), (g).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: In subsection (b), the Commission deleted the repeated phrase “discharge the Authority, its officers, and its employees of and from any liability.”

Part 100 was originally sections 1.4 through 1.12 of part 1, entitled “General Provisions.” See 14 Com. Reg. at 9543-47 (Aug. 15, 1992). The Commission re-designated these sections as part 100 and created the part title.

### § 40-10.1-105 Compliance with Rules and Regulations

(a) Any permission granted by the Authority, directly or indirectly, expressly or by implication, to any person or persons, to enter or use the airport, or any part thereof (including aircraft operators, crew members and passengers, spectators, sightseers, operators of pleasure and commercial vehicles, officers and employees or airlines, and any other persons occupying space on or within the airport, persons doing business with the Authority, or at the airport, its lessees, or sublessees and permittees, and any other persons whatsoever) is conditioned upon strict compliance with the rules and regulations in this subchapter.

(b) The Executive Director may, upon notice and for cause consisting of repeated or flagrant violation of this subchapter, terminate the permission or privilege of any person to utilize ~~the airport~~ Airport, and/or disqualify any such person from bidding or submitting a proposal for any concession or contract to be let by the Authority. Such action shall be in addition to any civil penalties which may be assessed under this subchapter. Any person affected by the Executive Director’s decision to terminate their permission or privilege may petition the Authority for reconsideration. The petition shall set forth a clear statement of the facts and grounds upon which reconsideration is sought. The Authority shall grant the petitioner a public hearing within 30 days after filing the petition and the Authority’s decision shall be publicly released not more than 20 days after the final public hearing held upon the petition.

Modified. 1 CMC § 3806(d), (f).

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History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **§ 40-10.1-110 Commercial Activity**

No person shall carry on any commercial activity whatsoever at ~~the an~~ Airport without the written consent of the Executive Director.

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **§ 40-10.1-115 Sightseeing**

No person shall conduct sightseeing flights at ~~the airport an~~ Airport, except under a permit from the Executive Director or his duly appointed representative establishing conditions and specifying fees payable to the ~~airport~~ Authority for such privileges. Sightseeing passengers shall not be subject to the fees imposed pursuant to § 40-10.1-124~~5~~, 125 of this subchapter.

Modified. 1 CMC § 3806(c), (d), (f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **§ 40-10.1-120 Parking and Storage of Aircraft**

Unless otherwise provided by a lease or other contractual agreement, no person shall use any area of ~~the airport an~~ Airport (other than the public aircraft parking and storage areas) for parking and storage of aircraft without the permission of the Executive Director. If, notwithstanding the above prohibition, a person uses such areas for parking or storage as aforesaid, without first obtaining permission, then the Executive Director shall have the authority to order the aircraft removed, or to cause same to be removed and stored, at the expense of the owner or consignee thereof, without responsibility or liability for damages arising therefrom.

Modified. 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **§ 40-10.1-125 Storage of Cargo, Etc.**

Unless otherwise provided by a lease or other contractual agreement, no person shall use any area of ~~the airport an~~ Airport for storage of cargo, equipment, or any other property without permission of the Executive Director. If, notwithstanding the above prohibitions, a person uses such areas for storage as aforesaid, without first obtaining such permission, then the Executive Director shall have authority to order the cargo or equipment or any other property removed, or to cause the same to be removed and stored, at the expense of the owner or consignee thereof, without responsibility or liability for damages arising therefrom.

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Modified: 1 CMC § 3806(d). (f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The Commission corrected the spelling of the word "of" pursuant to 1 CMC § 3806(g).

### **§ 40-10.1-130 Use of Operational Areas**

No person shall use or occupy an ~~operational area~~ Operational Area for any purpose whatsoever, except for a purpose pertaining to the landing, takeoff operations and servicing of aircraft, airline activities associated with aircraft, or governmental agencies in the performance of their functions or for a purpose connected with the maintenance and operation of the ~~airport~~ Airport.

Modified: 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **§ 40-10.1-135 Payment of Charges**

(a) No person shall land an aircraft on or take off from ~~airport~~ Airport, or use an ~~operational area~~ Operational Area, except upon the payment of such fees and charges as may from time to time be approved and published by the Authority, unless such person is entitled to use such area under a lease or other contract providing therefor. Except as otherwise provided therein, any operating rights under a lease or contract shall be null and void if the payment of fees and charges for the use of the ~~airport~~ Airport are more than ninety days in arrears, and any subsequent landing or takeoff of an aircraft from ~~the airport~~ Airport, or use of an ~~operational area~~ Operational Area, shall be conditioned upon the payment of such fees and charges at the time of use as provided for in ~~part~~ Part 1200 hereof.

(b) Except as otherwise specifically provided in an agreement to which the Authority is a party, all fees and charges due to the Authority from any person, arising out of the use and/or occupancy of ~~any airport~~ Airport, shall be due ten days after the delivery of the Authority's invoice. In the event that the Executive Director finds that a particular airline, concessionaire, tenant, or other ~~airport user~~ Person is habitually late in the payment of invoices, or in the event a particular invoice is not paid within ten days, the Executive Director may, in his sole judgment, and upon notice to the debtor, shorten the time for the payment of future invoices to and including a requirement for payment upon presentation of the invoice.

Modified: 1 CMC § 3806(e). (f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **§ 40-10.1-140 Commercial Photography**

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No person shall take still, motion, or sound pictures for a commercial purpose, nor shall they transmit any program for commercial purposes on the ~~airport~~ Airport, without written permission of the Executive Director.

Modified. 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **Part 200 - Operation of Vehicles**

#### **§ 40-10.1-201 Required Licenses**

No vehicles shall be operated in or upon a public vehicular parking area, or any road within the ~~airport~~ Airport, or upon any of the ~~operational areas~~ Operational Areas of the ~~airport~~ Airport, unless:

(a) The driver thereof is duly authorized to operate such vehicle under the laws of the Commonwealth of the Northern Mariana Islands, except that approved ramp equipment may be operated on the ~~public aircraft area~~ Airport by accredited employees certified by their employer to the Executive Director as qualified to operate such equipment; and

(b) Such vehicle is registered in accordance with the laws of the Commonwealth of the Northern Mariana Islands or is specifically authorized by the Executive Director to be operated on or within the ~~airport~~ Airport, but not on public highways or parking areas.

Modified. 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

#### **§ 40-10.1-205 Obeying Signals and Orders**

Every person operating a vehicle in or upon a public vehicular parking area-~~operational area~~, Operational Area, or any road ~~within the air terminal~~, must at all times comply with any lawful order, signal, or direction of any authorized representative of the Authority, or of any airport security officer. Whenever traffic is controlled by traffic lights, signs, mechanical or electrical signals, or pavement markings, all such shall be obeyed unless an authorized Authority representative or airport security officer directs otherwise.

Modified. 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

#### **§ 40-10.1-210 Speed Limits**

All vehicles operated within the ~~airport~~ Airport shall comply with the speed limits prescribed and posted by the Executive Director. Where no limit is posted, the speed limit in the area shall be twenty-five miles per hour.

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Modified, 1 CMC § 3806(e), (f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **§ 40-10.1-215 Vehicles Within Operational Areas**

No vehicle shall be operated within any ~~operational area~~ Operational Area, except as authorized by the Executive Director, who may require that such vehicles display visible identifying symbols or numbers. The movement of vehicles may be restricted by the Executive Director to specific zones within the ~~operational areas~~ Operational Areas.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **§ 40-10.1-220 Responsibility in Cases of Accidents**

In addition to all other requirements of law, the driver of any vehicle involved in an accident ~~within the airport area~~ on Airport property which results in injury or death to any person or damage to property, shall make a report to an airport security officer, or police officer assigned to the ~~airport~~ Airport, within twenty-four hours of such accident.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **§ 40-10.1-225 Right-of-way**

(a) The driver of a motor vehicle shall, on approaching an intersection, give right-of-way to every vehicle which is approaching to enter said intersection from the main street of entrance or departure to ~~the terminal area~~ a Terminal whenever traffic is not regulated by traffic signals, signs, or security or police officers.

(b) On approaching a street, intersection, or junction of any road, speed shall be reduced. Likewise, speed shall be reduced on approaching any public conveyance which has stopped to discharge or take on passengers.

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **§ 40-10.1-230 Parking**

(a) No person shall park a motor vehicle on the airport except in an area specifically designated and posted for parking.

(b) No person shall park a motor vehicle in any area on the airport for a period longer than is prescribed and posted for that space by the Executive Director.

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- (c) No person shall park a motor vehicle in a restricted or reserved area on the airport unless such person displays, in the manner prescribed by the Executive Director, a parking permit issued by the Executive Director for that area.
- (d) No person shall double park a motor vehicle on the roadways of the airport.
- (e) No person shall abandon a motor vehicle on the airport. A motor vehicle will be presumed abandoned if it is left parked and unattended for a period greater than forty-eight hours, unless it is parked in a space specifically set aside for parking longer than forty-eight hours. In such event, a motor vehicle shall be presumed abandoned if left unattended for a period twenty-four hours longer than the maximum authorized parking period.
- (f) No person shall park a motor vehicle on the airport, in a space marked for the parking of vehicles, in such a manner so as to occupy a part of another marked space.
- (g) No person shall leave a motor vehicle unattended or parked on the airport with a key in the ignition switch or the motor running, or a key in the door lock, or with a door open.
- (h) No person shall park a motor vehicle at any place on the airport in violation of any sign posted by the Executive Director.
- (i) No person shall park a motor vehicle within ten feet of a fire hydrant or in front of a driveway.
- (j) Except as otherwise authorized by the Executive Director, no person shall park a motor vehicle for the purposes of cleaning, polishing, or repairing said vehicle except for those minor repairs necessary to remove said vehicle to an authorized area or from the airport.
- (k) Every parked motor vehicle shall be parked, when parallel to the roadway, to its extreme right and at a distance of not more than six inches from the sidewalk or promenade, unless the parking space is otherwise marked. The entrance and exit of passengers shall be on the right-hand side of the vehicle.
- (l) Public parking shall be permitted for a period of greater than forty-eight hours only in those areas designated for extended parking. No person may park a motor vehicle in an extended parking facility unless such person has purchased a permit authorizing the use of the extended parking facility from the Airport Security Office, or other designated location. The fee for an extended parking permit shall be FIVE DOLLARS per day which shall be paid in advance at the time the permit is purchased. The permit shall be displayed on the dashboard of the vehicle at all times while parked in the extended parking facility. In addition to the penalties available under § 40-10.1-255(f) of this section the permittee, or owner, of any vehicle left parked in the extended parking facility shall be subject to a charge of TEN DOLLARS per day for each day, or part of a day, the vehicle remains parked in the facility without a permit or in excess of the permitted period.

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Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **§ 40-10.1-235 Taxicab Operations and Permits**

- (a) Before being permitted to load passengers at the airport, a taxicab shall:
  - (1) Be currently licensed as a taxicab by the Bureau of Motor Vehicles and driven by a person with a license properly endorsed for the transportation of passengers for hire pursuant to the laws of the Commonwealth of the Northern Mariana Islands.
  - (2) Have secured from the Executive Director a current written authorization enabling such loading.
  - (3) Have paid to the Executive Director the appropriate fees, if any, required for said permit.
- (b) Taxicabs shall conduct their business at the airport in a manner and at places to be designated from time to time by the Executive Director by written notice to the permit holders and otherwise in accordance with this subchapter.
- (c) All taxicabs shall be stopped or parked in such manner and in such areas as may be designated from time to time by the Executive Director.
- (d) Operators of taxicabs shall load passengers at the airport only in designated zones as may be from time to time prescribed in writing by the Executive Director.
- (e) Only taxicab operators authorized in writing by the Executive Director may solicit taxi fares on the airport premises; provided, however, that the Executive Director will not issue an exclusive authorization under this subparagraph to any one taxi company or taxi operator; and provided further that solicitation shall be expressly restricted to areas designated by the Executive Director. The term "solicitation" as used in this subparagraph shall be specifically defined to mean the asking of a passenger or other person if he or she desires a taxicab. Upon request, taxicab operators shall courteously inform passengers or other of alternate means of ground transportation, the location, and frequency, if any exists.
- (f) Taxicab drivers or any other persons connected therewith shall be specifically prohibited from soliciting taxicab fares on the airport at places other than those designated by the Executive Director. Cruising of taxicabs is prohibited.
- (g) Taxicab permits shall be valid for a period of one year commencing at the beginning of the fiscal year of the airport, which at the present time commences on October 1. Initial permits granted upon the promulgation of this subchapter and any permits granted during a fiscal year shall have the annual fees prorated according to the length of time the permits will remain valid. All permits will expire automatically on September 30 of each year.

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(h) Each taxicab company or taxicab operator holding a permit shall pay a monthly fee to the Authority, in advance, of five dollars per month for each taxicab owned or operated by said permit holder.

(i) Each taxi servicing the airport must carry the following minimum coverages of insurance:

Liability for bodily injury, including death (limits \$100,000.00 for each person, \$300,000.00 each accident) and for property damage (limit \$50,000.00).

(j) Each taxicab company or operator shall submit a certificate of insurance and a copy of the insurance policy for review and acceptance by the Executive Director as part of the conditions to obtain a permit to operate a taxicab at the airport. Such policy shall not be cancellable except upon 30 days' notice to the Authority.

Modified, 1 CMC § 3806(d), (e), (f), (g).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (j).

In subsection (e), the Commission changed "meant" to "mean" to correct a manifest error.

### **§ 40-10.1-240 Attire for Taxicab Operators and Related Matters**

(a) Because all ports of entry in the Commonwealth convey to guests and visitors a "first impression" of the Northern Mariana Islands and its people, it is important that such impression convey not only its natural beauty and the friendliness of its people, but also that of safety, neatness, and proper decorum. To promote these objectives, the Authority finds it both necessary and proper to implement a dress code for taxicab operators authorized by the Authority to pick up passengers and customers at all airports under its jurisdiction.

(b) All taxicab operators having a valid permit to pick up passengers and customers at airport premises are required to wear dark dress pants, island print dress shirt, and dark dress shoes with socks. No taxicab operator shall be permitted to wear zoris or slippers, t-shirt or polo shirt, or short pants. All dress attire required of taxicab operators shall be neat and clean.

(c) No employee, officer, or director of the Commonwealth Ports Authority shall be permitted to operate a taxicab at any public airport in the Commonwealth.

(d) No person having a felony conviction or a misdemeanor conviction involving moral turpitude shall be given a permit by the Authority to operate a taxicab on airport premises.

(e) All taxicab operators applying for a permit to pick up passengers at airports under the jurisdiction of the Authority shall be required to provide the Authority with a current police clearance, a copy of the applicant's business license and driver's license, a copy of



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the applicant's current automobile liability insurance policy, and a copy of the applicant's Taxicab Bureau permit. Furthermore, the taxicab operator shall provide the Authority with a certified copy of his/her business gross revenue (BGR) report as filed with the CNMI Division of Revenue and Taxation, no later than 30 days after the end of each calendar year.

(f) All taxicab operators shall provide service to their customers and passengers courteously, cheerfully, promptly, and safely. Further, a taxicab operator shall, at all times, not be under the influence of intoxicating liquor or drugs, shall not be disorderly, boisterous, or argumentative, shall not be sleeping in his/her cab and shall comply with all rules and regulations of the CNMI Taxicab Bureau [NMIAC, title 20, chapter 80].

(g) No taxicab operator shall leave his/her vehicle unattended for longer than ten minutes. Leaving one's vehicle unattended for longer than ten minutes may result in the vehicle being towed away, at the operator's expense; unless for good reason, written permission is granted by the Commonwealth Ports Police for a taxicab operator to be away from his/her vehicle for longer than ten minutes.

(h) All taxicab operators shall adhere to this subchapter and the directions and instructions of the Commonwealth Ports Police Office. The Commonwealth Ports Police Office shall make sure that all taxicab operators are in compliance with this subchapter. Failure to comply may result in the suspension or revocation of the taxicab operator's permit to pick up passengers and customers at the airport.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 19 Com. Reg. 15381 (May 15, 1997); Amdts Proposed 19 Com. Reg. 14878 (Jan. 15, 1997).

Commission Comment: With respect to the references to the Taxicab Bureau, see Executive Order 94-3, reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the commission comment to 1 CMC § 2001; see also NMAIC, title 20, chapter 80. The Commission corrected the phrase "to be away form" to "to be away from" in subsection (h) pursuant to 1 CMC § 3806(g).

### **§ 40-10.1-245 Permit Required for Vehicle Rental Service**

(a) No vehicle rental business or solicitation for such business may be conducted upon or within the airport unless:

- (1) On-premises Vehicle Rental Concessionaires. The vehicle rental business is operating under the terms of a valid lease or concession agreement with the Authority; or,
- (2) Off-premises Vehicle Rental Permittees. The vehicle rental business shall obtain and have in full force and effect a written permit issued by the Executive Director, upon such terms and conditions as he shall deem to be in the best interests of the Authority. Such permit shall authorize the permittee to pick up pre-confirmed and prearranged customers only and only at such areas as the Executive Director shall designate for customer pick-up. In no event shall permittee be allowed to solicit customers at the airport, nor shall permittees be allowed to pick up any disembarking passengers or their baggage at the

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customs/passenger arrival area of the airport nor at the commuter terminal of the Francisco C. Ada/Saipan International Airport.

(b) Any vehicle rental business operating under the terms and conditions of a permit issued under this section shall provide transportation for its customers by unmarked vehicles, so as not to encourage the solicitation of customers at the airport. The term "solicitation" as used in this section shall be specifically defined to mean the asking of a passenger or other person if he or she desires to rent a vehicle. Use of the public vehicular parking area by vehicle rental business operating under the terms of subsection (a)(2) is strictly prohibited. Such vehicle rental businesses shall not suffer or permit its customers to use such areas to pick up or drop off any rental vehicle, or for the storage of any rental vehicle. Permits issued under subsection (a)(2) shall not be exclusive. The fee for any permit issued under subsection (a)(2) shall be five thousand dollars per month for Francisco C. Ada/Saipan International Airport, three thousand five hundred dollars per month for Reta Benjamin Taisacan Manglona and Tinian International Airports, and shall be payable monthly in advance. Failure to pay such permit fee within seven days of its due date shall serve to invalidate any permit understanding. Any vehicle rental business operating at or upon the airport without a valid permit, or in violation of the terms and conditions of its permit, or this subchapter, shall be subject to such penalties as set forth under § 40-10.1-255(f) and may have its privilege to conduct such business at the airport terminated pursuant to § 40-10.1-105.

(c) Liability for bodily injury, including death (limits \$100,000.00 for each person, \$300,000.00 each accident and for property damage limit \$50,000.00).\*

\*So in original: see the comment to this section.

(d) Each vehicle rental business shall submit a certificate of insurance and a copy of the insurance policy for review by the Executive Director prior to obtaining a permit to operate a vehicle rental business at the airport. A certificate or certificates evidencing such insurance shall provide that such insurance coverage will not be cancelled or reduced without at least thirty days prior written notice to the Authority.

Modified. 1 CMC § 3806(c), (d), (e), (f).

History: Amdts Adopted 26 Com. Reg. 21710 (Jan. 22, 2004); Amdts Proposed 25 Com. Reg. 21465 (Nov. 17, 2003); Amdts Adopted 16 Com. Reg. 11809 (Mar. 15, 1994); Amdts Proposed 16 Com. Reg. 11681 (Feb. 15, 1994); Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

The 1994 amendments amended and readopted subsections (a) through (d). The 2004 amendments amended subsection (b).

In subsection (c), it appears that the following language was erroneously omitted in the 1994 amendments: "Each vehicle rental business servicing the Airport under Subpart (a) [subsection (a)(1)] of this Part 2.9 [§ 40-10.1-245] shall carry such insurance coverage for its customers as is provided in its agreement with the Authority. Each vehicle rental business servicing the Airport under subpart (b) [subsection (a)(2)] of this Part

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2.9 [§ 40-10.1-245] shall carry at least the following insurance coverage for its customers:" Compare 14 Com. Reg. at 9552 (Aug. 15, 1992) and 16 Com. Reg. at 11688-89 (Feb. 15, 1994).

### **§ 40-10.1-250 Group Transportation Permits**

No owner or operator of any vehicle carrying passengers for hire, including tour buses or any hotel/motel vehicle carrying hotel guests, shall pick up or unload passengers upon the airport without a written permit issued by the Executive Director, which permit shall state, among other requirements, those which relate to safety, licensing, traffic regulations, and insurance, and shall prescribe fees and shall state what privileges are granted by the permits issued. Permits issued under this section will not be exclusive.

- (a) Bus, or any vehicle with a seating capacity in excess of 25 (licensed for hire)  
A basic monthly fee of one hundred and twenty-five dollars per vehicle.
- (b) Bus, limousine, stretch-out or any vehicle with a seating capacity of 25 or less (licensed for hire)  
A basic monthly fee of one hundred dollars per vehicle.
- (c) Hotel-motel vehicles (owned, leased, or operated)  
A basic monthly fee of seventy-five dollars per hotel or motel.
- (d) Time and place of payments
  - (1) The monthly permit fees shall be applicable only for the period in which issued and shall be paid to the Executive Director in advance of providing ground transportation services at the airport.
  - (2) Payments shall be made at the Office of the Executive Director.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **§ 40-10.1-255 Implementing Rules**

- (a) Notice of Violation. Any person violating any of the provisions of §§ 40-10.1-201 through 40-10.1-250, inclusive, shall be given written notice thereof by a duly authorized employee of the Authority.
- (b) Same; Form of Notice. The written notice shall be in a form prescribed by the Executive Director. The form shall be prepared in a duplicate, with the original copy being served upon the violator in the manner provided herein, and the duplicate copy being returned to the Office of the Executive Director.
- (c) Same; Manner of Service. Service of the notice of violation shall be served upon the violator as follows: If the violator is physically present at the scene of the violation, the notice of violation shall be served upon him personally. If the violator is not so present,

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service may be effected by leaving the notice of violation upon the windshield of the offending vehicle, or alternatively upon any other prominent place upon such vehicle.

(d) **Same; Who May Serve.** Persons authorized to serve the notice of violation provided for herein are the Executive Director, the Airport Manager, any employee of the Department of Public Safety of the Government of the Northern Mariana Islands, and any security officer of the Authority.

(e) **Denial of Liability.** Any person against whom a violation of any of the provision of §§ 40-10.1-201 through 40-10.1-230, inclusive, is alleged shall have ten days either to deny liability therefor, or to pay the fine as established herein. The notice of violation shall state that failure to pay fine assessed within the ten-day period may result in collection of said fine through the courts of the Northern Mariana Islands. In the event suit is brought to recover any fine assessed under this part 200, the offender shall also be liable for court costs and reasonable ~~attorneys~~attorney's fees.

(f) **Schedule of Fines.** The schedule of fines to be assessed for the violation of §§ 40-10.1-201 through 40-10.1-250 of this part shall be as follows:

- (1) § 40-10.1-210: \$50.00
- (2) §§ 40-10.1-201, 40-10.1-205, 40-10.1-215, 40-10.1-220 and 40-10.1-225: \$30.00
- (3) § 40-10.1-230: \$20.00 plus towing and storage charges.
- (4) §§ 40-10.1-235, 40-10.1-245, 40-10.1-250: \$100.00; and in addition, any found in violation of these sections may have the privilege to conduct such business at the airport terminated pursuant to § 40-10.1-105.

(g) **Removal of Vehicles.** Whenever a vehicle is parked so as to create a blockage or other hazard to the orderly flow of traffic to, in, or from the airport, or when a vehicle has been abandoned, or when a rental vehicle operating pursuant to § 40-10.1-245 is parked within the public vehicular parking area, the Executive Director may order the vehicle removed to an authorized parking location, or to the Authority impound lot, if no authorized space can be found at the airport. All abandoned vehicles shall be taken to the impound lot where the owners may reclaim them in accordance with applicable law and regulations, and upon payment of fines or charges established by the Executive Director.

Modified. 1 CMC § 3806(c), (d), (e), (f), (g).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The original paragraphs of section (f) were not designated. The Commission designated subsections (f)(1) through (f)(4).

In subsections (f)(2) and (f)(4), the Commission inserted colons before the monetary fine amounts to ensure consistent punctuation.

### **Part 300 - General Operation on Public Aircraft Area**

#### **§ 40-10.1-301 Identification**

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Drivers of all vehicles operating on ~~the operational areas~~an Operational Area shall obtain permission from the Executive Director before entering upon the taxiways and runways. Between the hours of sunrise and sunset such vehicle shall have a functioning radio receiver in operation or an overhead red light shall be displayed, or it shall be painted bright yellow, or it shall display a checkered flag, not less than three feet square of international orange and white, the checks being at least one foot on each side; and between the hours of sunset and sunrise conspicuous overhead operating red lights shall be displayed. The Executive Director shall in all cases specify in writing the identifications required.

Modified. 1 CMC § 3806(e), (f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### § 40-10.1-305 Enplaning or Deplaning Passengers

No vehicle shall move ~~on~~ or across the ~~public ramp and apron areas~~Airline Ramp Area or Terminal Aircraft Apron while passengers are enplaning or deplaning, except in conformity with traffic directives issued by the Executive Director. No vehicle shall be operated without operating lights on ~~the operational areas~~an Operational Area during the hours of darkness.

“So in original: probably should be “on.”

Modified. 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### § 40-10.1-310 Safety of Aircraft Operation

The Executive Director may suspend or restrict any or all operations without regard to weather conditions whenever such action is deemed reasonably necessary in the interest of safety.

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### § 40-10.1-315 Deviation from Rules

Any deviation from the rules in this part shall be coordinated with the Executive Director prior to conducting operations which are contrary to provisions herein contained, except that the Executive Director may temporarily authorize deviation or suspension of portions of this part as may be required in the interest of safety. Any deviation from this part shall be the sole responsibility of the person conducting the operation which is not in strict accord with the provision herein contained.

Modified. 1 CMC § 3806(d), (g).

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History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

Commission Comment: The Commission changed "operation" to "operations" to correct a manifest error.

### **Part 400 - Taxiing Rules**

#### **§ 40-10.1-401 Taxiing and Ground Rules**

- (a) No aircraft engine shall be run at the airport unless a pilot or a certificated A & P (airframe and power-plant) mechanic qualified to run the engines of that particular type of aircraft is attending the controls.
- (b) No person shall taxi an aircraft on the airport until he has ascertained that there will be no danger of collision with any persons or objects.
- (c) All aircraft shall be taxied at a safe and reasonable speed.
- (d) All aircraft operating on the airport shall be equipped with wheel brakes in proper working order.
- (e) No aircraft shall taxi between the airline passenger terminal gates and aircraft parked on the ~~terminal~~ Terminal apron.
- (f) Where taxiing aircraft are converging, the aircraft involved shall pass each other bearing to the right-hand side of the taxiway unless otherwise instructed by traffic control.
- (g) No aircraft shall be taxied into or out of any hangar under its own power.
- (h) All aircraft being taxied, towed, or otherwise moved at the airport shall proceed with navigation lights on during the hours between sunset and sunrise.
- (i) Aircraft engines shall be started or operated only in the places designated for such purposes by the Authority.
- (j) All repairs to aircraft or engines shall be made in the areas designated for this purpose. Adjustments and repairs may be performed on air carrier aircraft at gate positions on the ~~terminal~~ Terminal apron when such repairs can be accomplished without inconvenience to other persons. Any aircraft being repaired at a gate position shall be moved immediately upon the request of the Executive Director. No aircraft engine shall be run up above idle power for test purposes at any gate position.
- (k) Aircraft shall not be washed except in areas and in the manner designated by the Authority.

Modified: 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

**Part 500 - Traffic Pattern, Landing and Takeoff**

**§ 40-10.1-501 Left-hand Traffic**

All aircraft in flight below fifteen hundred feet above the ground surface within a three-mile radius of the airport shall conform to a standard left-hand flow of traffic and to the designated traffic pattern, and to the following rules, unless specifically instructed otherwise by traffic control, when operational:

- (a) The traffic direction shall be as indicated by such devices as a segmented circle or by wind sock.
- (b) All landings and takeoffs shall be confined to the paved runway and shall not be conducted on a taxiway or apron, except by helicopters which may land on designated ~~apron areas~~ Apron Areas.
- (c) No turn shall be made after takeoff until the airport boundary has been reached and the aircraft has attained an altitude of at least four hundred feet and the operator has ascertained there will be no danger of collision with other aircraft.
- (d) Aircraft shall enter the traffic pattern on or before the downwind leg and shall exercise caution and courtesy so as not to cause aircraft already in the pattern to deviate from their course at the discretion of the pilot.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

**§ 40-10.1-505 Ceiling Limitations**

When ceiling and/or visibility are less than those authorized by Federal Aviation Regulations for conduct of visual flight operations, no takeoffs or landings are to be authorized at the airport, except when proper clearance has been obtained from traffic control, when operational.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

**§ 40-10.1-510 General Traffic Rules**

- (a) In advance of any flight test, practice instrument flight, or practice low approach to be conducted within the airport clear zone, the pilot shall make the necessary arrangements with the FAA airport traffic controller on duty, when available, and shall receive clearance before starting such maneuvers, and shall observe all local traffic and avoid interference with same.

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- (b) No motorless aircraft shall land or take off from the airport.
- (c) The Executive Director shall have the right to deny the use of the airport to any aircraft or pilot violating Authority or federal regulations, whether at the airport or elsewhere, pursuant to § 40-10.1-105.
- (d) All aircraft operations shall be confined to hard-surfaced runways, taxiways, and aprons.

Modified, 1 CMC § 3806(c), (f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **§ 40-10.1-515 Helicopter Operations Rules**

- (a) Helicopters arriving and departing the airport shall operate under the direction of the airport communication system at all times while within three miles of the airport.
- (b) Helicopters shall avoid fixed-wing aircraft traffic patterns and attitudes to the maximum extent possible.
- (c) Helicopters shall not be taxied, towed, or otherwise moved with rotors turning unless there is a clear area of at least fifty feet in all directions from the outer tips of the rotors.
- (d) Helicopters shall not be operated within two hundred feet of any area on the airport where unsecured light aircraft are parked.
- (e) During landings and takeoffs, helicopter aircraft shall not pass over any airport buildings, structures, their adjacent auto parking areas, passenger concourses, or parked aircraft.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

### **Part 600 - Rules for Ground Operations**

#### **§ 40-10.1-601 Engine Run-up Restrictions**

Aircraft engines shall be started or warmed up only by qualified persons, and at the places designated for such purposes. At no time shall engines be run-up in hangars, shops, other buildings, or when spectators are in the path of propeller streams or jet blasts.

History: Adopted 14 Com. Reg. 9534 (Aug. 15, 1992); Proposed 14 Com. Reg. 9079 (Mar. 15, 1992).

#### **§ 40-10.1-605 Aircraft Parking**